

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NUMBER 1:17-CV-00184-CCE-LPA

BARRY HONIG, an individual,

Plaintiff,

v.

ROBERT LADD, an individual; **MGT CAPITAL INVESTMENTS, INC.**, a Delaware corporation; **TERI BUHL**, an individual; and **DOES 1-20**,

Defendants.

**DECLARATION OF
DARREN A. LAVERNE, ESQ.**

DARREN A. LAVERNE, ESQ., hereby declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, as follows:

1. I am a partner at the law firm of Kramer Levin Naftalis & Frankel LLP, counsel for defendants Robert Ladd and MGT Capital Investments, Inc. (“MGT”) in the above-captioned matter.
2. I submit this Declaration to provide the Court with documents pertinent to Mr. Ladd’s and MGT’s Motion to Dismiss the Complaint.
3. To the best of my knowledge, information, and belief, the exhibits to this Declaration are true and correct copies of the following documents:
4. Attached as Exhibit A is a copy of the Complaint in *Honig v. Buhl*, Case 1:16-cv-07477-PGG (S.D.N.Y.), filed on September 26, 2016 (ECF No. 1).

5. Attached as Exhibit B is a copy of the transcript of the pre-motion conference held on February 1, 2017 in *Honig v. Buhl*, Case 1:16-cv-07477-PGG (S.D.N.Y.) (ECF No. 31).

6. Attached as Exhibit C is a copy of the Complaint in *ATG Capital LLC, et al. v. MGT Capital Investments, Inc., et al.*, Case 1:17-cv-2440-AJN (S.D.N.Y.), filed on April 4, 2017 (ECF No. 1).

7. Attached as Exhibit D is a copy of the Current Report (Form 8-K) filed by MGT on October 5, 2016.

8. Attached as Exhibit E is a copy of Amendment No. 2 to Schedule 13G (Form SC 13G/A) filed by Barry Honig with respect to MGT on September 29, 2016.

9. Attached as Exhibit F is an excerpt of a copy of the Quarterly Report (Form 10-Q) filed by MGT on November 14, 2016, for the quarterly period ended September 30, 2016.

10. Attached as Exhibit G is an excerpt of a copy of the Annual Report (Form 10-K) filed by MGT on April 20, 2017, for the fiscal year ended December 31, 2016.

11. Attached as Exhibit H is an excerpt of a copy of the Enforcement Manual of the Securities and Exchange Commission – Division of Enforcement, dated October 28, 2016.

Dated: New York, New York
June 5, 2017

/s/ Darren A. LaVerne

Darren A. LaVerne*

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* LR 83.1(d) Special Appearance

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I hereby certify that on this day, pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) I sent by electronic means the foregoing document to the following.

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Attorney for Defendant Teri Buhl

This 5th day of June, 2017.

/s/ Darren A. LaVerne

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